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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

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THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD LEON MATHIES,

Defendant and Appellant.

C061611

(Super. Ct. No.  
CRF065328)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

Defendant Richard Leon Mathies pled no contest to one count of lewd conduct with a child under the age of 14. (Pen. Code, § 288, subd. (a).) In exchange, several similar counts and enhancement allegations were dismissed, and the parties agreed defendant would receive a prison sentence of eight years. The count defendant did not contest involved his act, committed between April 13, 2001, and June 30, 2002, of touching a young girl's vagina while they were both swimming in a pool.

The trial court sentenced defendant to prison for eight years in accordance with the plea agreement.

Defendant timely filed this appeal.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable errors that would result in a disposition more favorable to defendant.

However, there is an error in the abstract of judgment and minutes of the sentencing hearing. Both must accurately reflect all components of the sentence imposed by the trial court. (See *People v. Mitchell* (2001) 26 Cal.4th 181, 185; *People v. Zackery* (2007) 147 Cal.App.4th 380, 385-390 (*Zackery*).)

The trial court *recommended* that defendant obtain substance abuse counseling while in prison, pursuant to Penal Code section 1203.096. However, the abstract states: "Defendant to participate in counseling with substance abuse component." This is phrased as an order, not as a recommendation. The minutes use similar phrasing. Appellate counsel states that a letter was sent to the trial court seeking a correction of this mistake, but no corrected abstract has been forwarded to this court. We will order the preparation of a corrected abstract of judgment and corrected sentencing minutes. (See, e.g., *Zackery, supra*, 147 Cal.App.4th at pp. 393-394.)

**DISPOSITION**

The judgment is affirmed. The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a corrected abstract of judgment, and to prepare and file corrected minutes of the sentencing hearing.

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RAYE, J.

We concur:

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SIMS, Acting P. J.

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CANTIL-SAKAUYE, J.